

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

STUART SCHLESINGER,

Defendant.

- - - - - x

CONSENT PRELIMINARY  
ORDER OF FORFEITURE AS  
TO SPECIFIC PROPERTY/  
MONEY JUDGMENT  
16 Cr. 278 (WHP)

WHEREAS, on or about April 7, 2016, STUART SCHLESINGER, (the "defendant"), was charged in a one-count Information, 16 Cr. 278 (WHP) (the "Information"), with wire fraud, in violation of 18 U.S.C. §§ 1343 and 2 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, of all property, real or personal, constituting or derived from proceeds traceable to the offense charged in Count One of the Information;

WHEREAS, on or about May 9, 2016, the defendant pled guilty to Count One of the Information and admitted the forfeiture allegation as to Count One of the Information, pursuant to a plea agreement with the Government, wherein the defendant agreed to forfeit, a sum of money in United States currency, representing all property, real or personal,

constituting or derived from proceeds traceable to the offense charged in Count One of the Information and all right, title, and interest of the defendant in the following property:

- a. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 186 Dune Road, Quogue, New York 11978 (the "Specific Property");

WHEREAS, the defendant consents to a money judgment in the amount of \$5,549,017 in United States currency, representing the proceeds traceable to the offense charged in Count One, and to the forfeiture of all the defendant's right, title, and interest in the Specific Property;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Matthew Laroche, of counsel, and the defendant, and his counsel, Murray Richman, Esq. that:

1. As a result of the offense charged in Count One of the Information, to which the defendant pled guilty, a money judgment in the amount of \$5,549,017 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. As a result of the offense charged in Count One of the Information, all of the defendant's right, title and interest in the Specific Property is hereby forfeited to the

United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment is final as to the defendant, STUART SCHLESINGER, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

4. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, the United States Marshals Service is authorized to seize the Specific Property and hold the Specific Property in its secure, custody and control.

5. Pursuant to 21 U.S.C. § 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment. Any person,

other than the defendant in this case, claiming an interest in the Specific Property must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

6. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in the Specific Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

7. Pursuant to Rule 32.2(b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to 21 U.S.C. § 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which

all third-party interests will be addressed.

9. Upon entry of a Final Order of Forfeiture, the net proceeds realized from the sale of the Specific Property, shall be applied towards the Money Judgment entered against the defendant.

10. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

11. Upon execution of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

12. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

13. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

14. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment to Assistant United States Attorney Jason Cowley, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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15. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA

United States Attorney for the  
Southern District of New York

By: 

MATTHEW LAROCHE  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007

  
DATE

STUART SCHLESINGER

By: 

STUART SCHLESINGER


  
DATE

By: 

MURRAY RICHMAN, ESQ.  
Attorney for Defendant  
Law Offices of Murray Richman  
2027 Williamsbridge Road  
Bronx, NY 10461

  
DATE

SO ORDERED:

  
HONORABLE WILLIAM H. PAULEY, III  
UNITED STATES DISTRICT JUDGE

  
DATE